

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:02CR69

UNITED STATES OF AMERICA

vs.

CHRISTOPHER CHAD DAVIS

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ORDER

THIS MATTER is before the Court on motion of the Bureau of Prisons, by and through the United States Attorney, to reduce the Defendant's term of imprisonment to time served pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

Section 3582(c) reads in pertinent part:

The court may not modify a term of imprisonment once it has been imposed except that –

(1) in any case –

(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment . . . after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that –

(i) extraordinary and compelling reasons warrant such a reduction[.]

18 U.S.C. § 3582(c)(1)(A)(i).

The Bureau of Prisons advises that the Defendant has been diagnosed with acute myelogenous leukemia¹ and without a bone marrow transplant, his diagnosis is extremely poor and his life expectancy is less than one year. The reduction of sentence to time served would provide the Defendant with an opportunity to seek treatment and a bone marrow transplant within his community. The Government advises that the Defendant would reside with his family in Asheville, North Carolina, and that the terms of his supervised release would include the special conditions that he refrain from any alcohol consumption and not operate a motor vehicle. The two-year term of his supervised release would begin upon his release from custody.

The Court, therefore, finds that the Defendant's terminal medical condition and limited life expectancy constitute extraordinary and compelling reasons to warrant the requested reduction of sentence and the motion will be granted.

IT IS, THEREFORE, ORDERED that the motion of the Bureau of Prisons, by and through the United States Attorney, for reduction of

¹ Two previous chemotherapy treatments, one in April 2006 and another in June 2007, have been unsuccessful in preventing recurrence of this disease.

sentence is **ALLOWED**, and the Defendant's sentence is hereby reduced to **TIME SERVED**.

IT IS FURTHER ORDERED that in addition to the standard conditions of supervised release, the Defendant shall not consume any alcohol or operate a motor vehicle during the term of supervised release. All other terms and conditions of the original Judgment remain in full force and effect.

The Clerk of Court shall prepare an amended Judgment in accordance with the terms herein **FORTHWITH**.

Signed: August 31, 2007

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

